

**MONDAY, MARCH 31, 1997**

**TWENTY-THIRD LEGISLATIVE DAY**

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dr. Dean Currie, Jackson, Tennessee.

Representative Walley led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present .....98

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Turner (Hamilton); personal and business reasons

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 22:** Rep(s). Bittle, Newton, Boyer, McDaniel, Stamps, Maddox and Fitzhugh as prime sponsor(s).

**House Bill No. 639:** Rep(s). U. Jones as prime sponsor(s).

**House Bill No. 706:** Rep(s). Naifeh as prime sponsor(s).

**House Bill No. 961:** Rep(s). McDaniel, Stamps, Bittle, Sharp, Boyer, Ford, Hargett, Haley, Pleasant, Hood, Newton, Bone, Fitzhugh and White as prime sponsor(s).

**House Bill No. 968:** Rep(s). Sands, Patton and Ford as prime sponsor(s).

**House Bill No. 1620:** Rep(s). Newton, Head and West as prime sponsor(s).

**MESSAGE FROM THE SENATE**

**April 1, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 61, 84, 133, 134, 135, 136, 137 and 140; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Joint Resolution No. 61** -- General Assembly, Studies - Continues special joint committee (HJR 448, 99th General Assembly) to study delivery of mental health services. by \*Henry, \*Atchley, \*Wilder, \*Dixon.

**\*Senate Joint Resolution No. 84** -- General Assembly, Confirmation of Appointment - Hubert L. McCullough, State Board of Education. by \*Womack, \*Atchley, \*Henry, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Graves, \*Harper, \*Haun, \*Haynes, \*Herron, \*Jordan, \*Koella, \*Kurita, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Ramsey, \*Rochelle, \*Springer, \*Wilder, \*Williams, \*Womack.

**Senate Joint Resolution No. 133** -- Memorials, Public Service - Madison-Goodlettsville Rotary Club, 40th anniversary. by \*Haynes, \*Graves.

**Senate Joint Resolution No. 134** -- Memorials, Sports - Anna Spencer, TSSAA Class AA Waverly Central High School A. F. Bridges Award winner. by \*Springer.

**Senate Joint Resolution No. 135** -- Memorials, Sports - Chris Hamm, TSSAA Class AA A. F. Bridges award winner. by \*Springer.

**Senate Joint Resolution No. 136** -- Memorials, Sports - 1996-1997 Dickson County High School girls' basketball team. by \*Springer.

**Senate Joint Resolution No. 137** -- Memorials, Public Service - Harlan Mullins, 34 years service, member of Putnam County soil conservation district board of directors. by \*Burks.

**Senate Joint Resolution No. 140** -- Naming and Designating - "Youth Art Month," March 1997. by \*McNally.

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 2, 1997:

**House Resolution No. 48** -- Memorials, Death - Chaplain D. Dewayne Davenport, Ph.D. by \*Scroggs, \*Pinion.

**House Joint Resolution No. 146** -- Memorials, Personal Occasion - Robert Thomas Green, birth. by \*Eckles.

**House Joint Resolution No. 148** -- Memorials, Death - Thomas James Williams. by \*Walley.

**House Joint Resolution No. 149** -- Memorials, Professional Achievement - Dr. Ray Edward Marcrom, 1997 American Pharmaceutical Association Daniel B. Smith Practice Excellence Award recipient. by \*Lewis, \*Rhinehart.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 2, 1997:

**Senate Joint Resolution No. 133** -- Memorials, Public Service - Madison-Goodlettsville Rotary Club, 40th anniversary. by \*Haynes, \*Graves.

**Senate Joint Resolution No. 134** -- Memorials, Sports - Anna Spencer, TSSAA Class AA Waverly Central High School A. F. Bridges Award winner. by \*Springer.

**Senate Joint Resolution No. 135** -- Memorials, Sports - Chris Hamm, TSSAA Class AA A. F. Bridges award winner. by \*Springer.

**Senate Joint Resolution No. 136** -- Memorials, Sports - 1996-1997 Dickson County High School girls' basketball team. by \*Springer.

**Senate Joint Resolution No. 137** -- Memorials, Public Service - Harlan Mullins, 34 years service, member of Putnam County soil conservation district board of directors. by \*Burks.

**RESOLUTIONS LYING OVER**

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

**Senate Joint Resolution No. 130** -- Naming and Designating - "Lifelong Learning Week," third week in May. by \*Crowe.

Education Committee

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**Senate Bill No. 857** -- Pensions and Retirement Benefits - Authorizes nonteacher former employees of Tennessee Appalachia Education Cooperative to become members of TCRS. Amends TCA Title 8, Chapter 35, Part 2. by \*Davis L, \*McNally. (\*HB528)

**\*Senate Bill No. 962** -- State Employees - Designates night watchmen for the capitol and grounds as capitol security officers for the capitol complex; defines "capitol complex" as capitol, grounds, annexes, War Memorial Building, Legislative Plaza and other buildings where legislative staff has office space; includes parking lot and garages. Amends TCA Title 4, Chapter 8. by \*Ford J. (HB1475)

**\*Senate Bill No. 1644** -- Zoning - Changes effective date of Chapter 715, Public Acts of 1996 from July 1, 1995 to April 4, 1996, and may affect zoning amendments passed by resolution from July 1, 1995 to April 4, 1996, in counties with charter form of government. Amends TCA Title 5, Chapter 1, Part 2 and Section 13-7-105. by \*Ford J. (HB1586)

**Senate Bill No. 1655** -- Weights and Measures - Enacts "Testing and Sealing -- Use of Weights and Measures." Amends TCA Title 47, Chapter 26. by \*Jordan, \*Eisea, \*McNally, \*Atchley, \*Person, \*Koella, \*Carter, \*Ramsey, \*Leatherwood, \*Gilbert, \*Miller J, \*Fowler. (\*HB1249)

**Senate Bill No. 1668** -- Unemployment Compensation - Effective July 6, 1997, allows person receiving unemployment compensation to earn the greater of \$30.00 or 25 percent of weekly benefit amount instead of limiting earnings to \$30.00 a week before weekly benefits reduced. Amends TCA Section 50-7-301(c)(1). by \*McNally, \*Eisea, \*Atchley, \*Person, \*Gilbert, \*Jordan, \*Koella, \*Haun, \*Carter, \*Ramsey, \*Leatherwood, \*Miller J, \*Fowler, \*Cooper, \*Crutchfield, \*Dixon, \*Graves, \*Crowe, \*Burks. (\*HB1247)

**Senate Bill No. 1670** -- Unemployment Compensation - Moves wages of \$6,240.01 through \$6,266.00 with weekly benefit amount of \$240.00 into payment schedule table for benefit years before July 5, 1998 from payment schedule table for benefit years established on or after July 5, 1998. Amends TCA Section 50-7-301(b)(1). by \*Williams, \*Koella, \*Eisea, \*McNally, \*Atchley, \*Person, \*Haun, \*Carter, \*Ramsey, \*Leatherwood, \*Gilbert, \*Jordan, \*Miller J, \*Fowler. (\*HB1257)

**\*Senate Bill No. 1700** -- Securities - Defines "covered security" and "senior security"; sets out new conditions for security sales and investment advising; mandates notice filings for covered security sales. Amends TCA Title 48, Chapter 2, Part 1. by \*Atchley, \*McNally, \*Eisea, \*Person, \*Gilbert, \*Leatherwood, \*Jordan, \*Miller J, \*Ramsey, \*Williams, \*Carter, \*Crowe, \*Koella, \*Fowler. (HB1808)

**\*Senate Bill No. 1762** -- Highway Signs - "K. Thomas Hutchinson Water Treatment Plant," Sulphur Springs Road exit, I-840, Rutherford County. by \*Womack. (HB1863)

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**Senate Bill No. 1910** -- Law Enforcement - Increases from 15 to 40 percent, percentage of proceeds local seizing agency receives from sale of vehicles forfeited because of operation by person whose driver license suspended DUI; decreases from 85 to 60 percent, percentage of such proceeds going to the alcohol and drug addiction treatment fund Amends TCA Title 40, Chapter 33 and Title 55. by \*Burks, \*Davis L. (\*HB1849)

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 1960** -- Jonesborough -- Local Bill Held on House Desk

**House Bill No. 1962** -- Jonesborough -- Local Bill Held on House Desk

**CONSENT CALENDAR**

**\*House Bill No. 345** -- Historical Sites - Requires commission to place 18 markers throughout state, not less than six in each grand division, relating to African-American culture and history; marker to describe cultural or historical event significant to area where marker placed. by \*Pruitt, \*Brooks. (SB715 by \*Dixon)

**House Bill No. 493** -- Highway Signs - "Veterans Memorial Parkway," U.S. 19E in Carter County. by \*Cole (Carter). (\*SB18 by \*Crowe)

On motion, House Bill No. 493 was made to conform with **Senate Bill No. 18**; the Senate Bill was substituted for the House Bill.

**House Bill No. 641** -- Historical Sites - Provides for erection of historical plaque at former site of Camp Blount in Lincoln County. by \*Phillips. (\*SB840 by \*Cooper)

**House Bill No. 1341** -- Highway Signs - "Samuel S. Cole Memorial Bridge," S.R. 359, Carter County. by \*Cole (Carter), \*Whitson. (\*SB1128 by \*Crowe)

On motion, House Bill No. 1341 was made to conform with **Senate Bill No. 1128**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1434** -- Highway Signs - "American Ex-Prisoners of War Highway," U.S. 70. by \*Patton, \*Ford S, \*Cole (Carter), \*Kent, \*Davis R, \*Gunnels, \*Boner. (\*SB1647 by \*Crowe, \*Carter, \*Harper, \*Williams, \*Dixon)

On motion, House Bill No. 1434 was made to conform with **Senate Bill No. 1647**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1848** -- Education - Permits nonresident elementary or secondary student to attend school where parent teaches. Amends TCA Title 49, Chapter 6, Part 31. by \*Stulce, \*Sharp. (\*SB1737 by \*Crutchfield)

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**House Bill No. 1951** -- Bluff City - Subject to local approval, revises charter. by \*Godsey, \*Mumpower, \*Westmoreland. (SB1965 by \*Ramsey)

**House Bill No. 1954** -- Fayetteville - Subject to local approval, extends period for installation of newly elected public officials pending certification of election returns; requires voters in city election to own 25 percent interest in taxable real estate in city, appraised for tax purposes at a value of \$1,000 or greater. Amends Chapter 294 of the Acts of 1903; as amended. by \*Phillips. (SB1958 by \*Cooper)

**House Bill No. 1958** -- Cheatham County - Subject to local approval, enacts "Cheatham County Development Tax Act.". by \*Williams (Williamson). (SB1969 by \*Kurita)

**Senate Joint Resolution No. 123** -- Memorials, Death - Walter Warren Shanks. by \*Burks.

**Senate Joint Resolution No. 125** -- Memorials, Death - Jewell Futrell. by \*Rochelle.

**Senate Joint Resolution No. 127** -- Memorials, Sports - 1996-1997 Hickman County High School girls' basketball team, TSSAA Class AA state champions. by \*Springer.

**Senate Joint Resolution No. 128** -- Memorials, Sports - Becky Myatt, Hickman County High School, TSSAA Class AA "Miss Basketball.". by \*Springer.

**Senate Joint Resolution No. 131** -- Memorials, Public Service - Pastor Edward Jefferies. by \*Crowe.

**Senate Joint Resolution No. 138** -- Memorials, Professional Achievement - Roger Crouch. by \*Burks.

**Senate Joint Resolution No. 143** -- Memorials, Recognition and Thanks - The Chattanooga Bar Association, 100th anniversary. by \*Fowler, \*Crutchfield, \*Kyle.

**Senate Joint Resolution No. 146** -- Memorials, Public Service - Leigh Ann Apple. by \*Crutchfield, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Eisea, \*Ford J, \*Fowler, \*Gilbert, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jordan, \*Koella, \*Kurita, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Ramsey, \*Rochelle, \*Springer, \*Wilder, \*Williams, \*Womack.

**Senate Joint Resolution No. 147** -- Memorials, Professional Achievement - Robert M. Conley, National Teachers Wall of Fame. by \*Leatherwood.

Rep. Hargrove moved that all members voting aye on Senate Joint Resolution No. 146 be added as sponsor which motion prevailed.

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Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....97  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**\*House Bill No. 639** -- Alcoholic Beverages - Redefines "community theater" to permit Bessie Smith Hall, Hamilton County to obtain liquor by drink permit Amends TCA Section 57-4-102. by \*Brown. (SB1530 by \*Crutchfield)

Further consideration of House Bill No. 639, previously considered on March 24, 1997, and reset to today's Calendar.

Rep. Brown moved that House Bill No. 639 be passed on third and final consideration.

Rep. Brown moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 639 by adding the following language at the end of the amendatory language in Section 1:

(v) Provided, however, that alcoholic beverages shall not be sold in any area of the community theater where workshops, seminars, forums or other events are held if persons under the age of twenty-one (21) are in attendance at such workshops, seminars, forums or other events.

On motion, Amendment No. 1 was adopted.

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Rep. Turner (Shelby) moved the previous question, which motion prevailed by the following vote:

Ayes .....	63
Noes .....	23
Present and not voting .....	3

Representatives voting aye were: Armstrong, Arriola, Bone, Boner, Bowers, Brooks, Brown, Buck, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Fitzhugh, Fraley, Gunnels, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Maddox, McDonald, McKee, McMillan, Miller, Newton, Odom, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Tidwell, Tindell, Towns, Turner (Shelby), West, Westmoreland, White, Williams, Windle, Winningham -- 63.

Representatives voting no were: Beavers, Bird, Boyer, Burchett, Dunn, Ford, Fowlkes, Godsey, Goins, Hargett, Hassell, McAfee, McDaniel, Mumpower, Patton, Sargent, Scroggs, Sharp, Stamps, Stulce, Walke, Walley, Wood -- 23.

Representatives present and not voting were: Bittle, Ferguson, Givens -- 3.

Rep. Brown moved that **House Bill No. 639**, as amended, be passed on third and final consideration, which motion failed by the following vote:

Ayes .....	37
Noes .....	50
Present and not voting .....	7

Representatives voting aye were: Armstrong, Arriola, Boner, Bowers, Brooks, Brown, Buck, Caldwell, Chumney, Cooper, Davis, DeBerry J., DeBerry L., Fraley, Hargrove, Head, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, McMillan, Miller, Odom, Phelan, Phillips, Pruitt, Rinks, Ritchie, Robinson, Tindell, Towns, Turner (Shelby), Williams, Mr. Speaker Naifeh -- 37.

Representatives voting no were: Beavers, Burchett, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Hicks, Hood, Jackson, Kerr, Maddox, McAfee, McDaniel, McDonald, McKee, Mumpower, Newton, Patton, Pinion, Pleasant, Ridgeway, Roach, Sands, Scroggs, Sharp, Stamps, Stulce, Tidwell, Walker, Walley, White, Windle, Winningham, Wood -- 50.

Representatives present and not voting were: Bird, Bittle, Bone, Boyer, Sargent, West, Westmoreland -- 7.

Having received a constitutional majority in the negative, pursuant to **Rule No. 63**, the Speaker entertained a motion to reject. Hearing none, the Speaker referred House Bill No. 639 to the Committee on Calendar & Rules.



**House Bill No. 1437** -- Soil Conservation - Authorizes board of directors of watershed district to establish in bylaws appointment or reappointment of members of board following initial six-year term. Amends TCA Title 69, Chapter 7, Part 1. by \*Gunnels, \*McKee. (\*SB1692 by \*Miller J)

Rep. Gunnels moved that **House Bill No. 1437** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....97  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 555** -- Taxes, Sales - Exempts from sales and use tax computer media exchange services when resulting media shipped out of Tennessee or sold to governmental agency or non-taxable entity in Tennessee. Amends TCA Section 67-6-313. by \*Wood. (\*SB304 by \*Fowler)

Rep. Wood moved that House Bill No. 555 be passed on third and final consideration.

Rep. Kisber moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 555 by adding the following at the end of the amendatory subsection in Section 1 of the printed bill:

"Media exchange services" means the process of transferring stored data from one type of storage medium to another type of storage medium, including, but not limited to, magnetic tapes, magnetic cartridges, CD ROM, magnetic disks/diskettes, laser disks/diskettes, optical disks/diskettes, or any similar media that is used to store or transfer data from one computer to another.

On motion, Amendment No. 1 was adopted.

Rep. Sharp moved the previous question, which motion prevailed.

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Rep. Wood moved that **House Bill No. 555**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	78
Noes .....	14
Present and not voting .....	3

Representatives voting aye were: Beavers, Bird, Bittle, Bone, Boner, Boyer, Brooks, Buck, Burchett, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Head, Hicks, Hood, Huskey, Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Walker, Walley, West, Westmoreland, White, Whitson, Windle, Wood, Mr. Speaker Naifeh -- 78.

Representatives voting no were: Armstrong, Arriola, Bowers, Brown, Caldwell, Cooper, DeBerry L., Jones U., Langster, Sands, Tindell, Towns, Williams, Winningham -- 14.

Representatives present and not voting were: DeBerry J., Jackson, Jones S. -- 3.

A motion to reconsider was tabled.

**House Bill No. 1620** -- Sentencing - Redefines "mass murder" for sentencing guidelines as murder of three or more persons within 48 months. Amends TCA Section 39-13-204(i)(12). by \*Hargrove. (\*SB1476 by \*Crutchfield)

Rep. Hargrove moved that House Bill No.1620 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1620 by deleting the amendatory language of SECTION 1 and substituting instead the following:

The defendant committed "mass murder", which is defined as the murder of three (3) or more persons whether committed during a single criminal episode or at different times within a of forty-eight (48) month period.

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved that **House Bill No. 1620**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	98
Noes .....	0

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 1615** -- Witnesses - Replaces \$40.00 daily stipend to out of county witness with meals and lodging reimbursement at rates allowable under comprehensive travel regulations. Amends TCA Section 24-4-102. by \*Hargrove. (\*SB1566 by \*Crutchfield)

Rep. Hargrove moved that **House Bill No. 1615** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....97  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 849** -- Workers' Compensation - Adds travel from workplace to health provider's facility to travel expense reimbursement provision. Amends Public Chapter 790 of the Public Acts of 1996, and TCA Section 50-6-204. by \*Curtiss. (\*SB1288 by \*Cooper)

Rep. Curtiss moved that House Bill No. 849 be passed on third and final consideration.

Rep. West moved adoption of Consumer & Employee Affairs Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 849 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 50-6-204(6)(A), is amended by inserting the language "or workplace" between the word "residence" and the words "to the location".

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Curtiss moved that **House Bill No. 849**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....97  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 996** -- Motor Vehicles, Titling and Registration - Removes certification requirements relative to financial statements submitted by motor vehicle sales license applications. Amends TCA Section 55-17-111. by \*Cole (Dyer). (\*SB703 by \*McNally)

Rep. Cole (Dyer) moved that House Bill No. 996 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 996 by deleting Section 1 of the printed bill in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-17-111(a)(3), is amended by deleting the word "certified" and inserting after the word "statement" the words "prepared in accordance with generally accepted accounting principles by a certified public accountant or public accountant".

On motion, Amendment No. 1 was adopted.

Rep. Cole (Dyer) moved that **House Bill No. 996**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....97  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 1586** -- Zoning - Changes effective date of Chapter 715, Public Acts of 1996 from July 1, 1995 to April 4, 1996, and may affect zoning amendments passed by resolution from July 1, 1995 to April 4, 1996, in counties with charter form of government. Amends TCA Title 5, Chapter 1, Part 2 and Section 13-7-105. by \*Turner (Shelby), \*Miller L, \*Bowers. (\*SB1644 by \*Ford J)

On motion, House Bill No. 1586 was made to conform with **Senate Bill No. 1644**; the Senate Bill was substituted for the House Bill.

Rep. Turner (Shelby) moved the Senate Bill No. 1644 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. Turner (Shelby) moved that **Senate Bill No. 1644** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....96  
Noes .....0

**MONDAY, MARCH 31, 1997 -- TWENTY-THIRD LEGISLATIVE DAY**

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 1926** -- Judges and Chancellors - Creates Division 7 of circuit court of 20th judicial district with judge for such court to be elected in August 1998. Amends TCA Section 16-2-506. by \*Arriola. (\*SB468 by \*Haynes)

Rep. Arriola moved that House Bill No. 1926 be passed on third and final consideration.

Rep. Newton moved the previous question, which motion prevailed.

Rep. Arriola moved that **House Bill No. 1926** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....97  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 720** -- Economic and Community Development - Prohibits fraudulent conduct and actions knowingly undertaken for purpose of qualifying for certain programs intended to promote and encourage minority-owned, disadvantaged and small businesses. Amends TCA Section 39-14-137. by \*Brooks, \*Cooper B, \*DeBerry J, \*Turner (Shelby), \*Jones U (Shelby), \*Brown, \*Pruitt, \*Miller L. (\*SB407 by \*Dixon, \*Harper)

**MONDAY, MARCH 31, 1997 -- TWENTY-THIRD LEGISLATIVE DAY**

On motion, House Bill No. 720 was made to conform with **Senate Bill No. 407**; the Senate Bill was substituted for the House Bill.

Rep. Brooks moved that **Senate Bill No. 407** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 72** -- Memorials, Government Officials - Urges and encourages department of safety to implement policies and procedures to inform motorists about child passenger safety precautions in motor vehicles, including dangers of passenger air bags for children. by \*McMillan, \*Givens.

Rep. McMillan moved that House Joint Resolution No. 72 be adopted.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Joint Resolution No. 72 by deleting in the second resolving clause the language "the Department of Transportation" and by substituting instead the language "the Department of Safety".

On motion, Amendment No. 1 was adopted.

Rep. McMillan moved that **House Joint Resolution No. 72**, as amended, be adopted, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson,

Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 961** -- Jails, Local Lock-ups - Requires all able-bodied prisoners not security risks to participate in work programs, refusal to result in sentence credit loss of two days for each day of refusal, if no credits, then other privileges lost Amends TCA Title 41, Chapter 3 and Title 41, Chapter 2. by \*McDonald, \*Curtiss, \*Patton, \*Maddox, \*Davidson, \*Williams (Williamson), \*Bowers, \*Ferguson, \*Fowlkes, \*Head, \*DeBerry J, \*Stulce, \*Lewis, \*Arriola, \*Fraley, \*Tidwell, \*Caldwell, \*Sands. (\*SB1323 by \*Graves, \*Herron, \*Dixon)

Rep. McDonald moved that House Bill No. 961 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 961 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 41, Chapter 2, Part 1, is amended by adding the following new section:

Section \_\_\_\_\_. Notwithstanding any other provision of law to the contrary, except as provided in subsection (b), any person sentenced to the county workhouse or jail, either for a felony or misdemeanor conviction, in counties with programs whereby prisoners work either for pay or sentence reduction or both, shall be required to participate in such work programs during the period of such person's incarceration. Any prisoner who refuses to participate in such programs when work is available shall have any sentence reduction credits received pursuant to the provisions of Section 41-2-123 or Section 41-2-146 reduced by two (2) days of credit for each one (1) day of refusal to work. Any prisoner who refuses to participate in such work programs who has not received any sentence reduction credits pursuant to such sections may be denied good time credit in accordance with the provisions of Section 41-2-111(b) and may also be denied any other privileges given to inmates in good standing for such refusal to work.

(b) The only exceptions to the requirements of subsection (a) shall be for those persons who, in the opinion of the sheriff or the



superintendent of the jail, would present a security risk or a danger to the public if allowed to leave the confines of the jail or workhouse, and those persons who, in the opinion of a licensed physician, should not perform such labor for medical reasons.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 961 as amended by House Judiciary Committee Amendment No. 1, in the amendatory language of Section 1 in subsection (b) by inserting the language "or licensed medical professional" between the language "physician," and "should not".

On motion, Amendment No. 2 was adopted.

Rep. Ford moved the previous question, which motion prevailed.

Rep. McDonald moved that **House Bill No. 961**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	1
Present and not voting .....	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Turner (Shelby) -- 1.

Representatives present and not voting were: Brown, Head, Rhinehart -- 3.

A motion to reconsider was tabled.

**MONDAY, MARCH 31, 1997 -- TWENTY-THIRD LEGISLATIVE DAY**

**House Bill No. 968** -- Election Laws - Makes prohibition on attaching campaign materials to utility poles applicable statewide; present law limited to Polk, Monroe, Hawkins and Knox; and Davidson, Moore, Madison, Washington and Sullivan if county legislative body by 2/3 vote makes prohibition applicable in such county . Amends TCA Section 2-19-144. by \*McDonald, \*Bowers, \*Williams (Williamson), \*Curtiss, \*Bone, \*Davidson, \*Fowlkes, \*DeBerry J. (\*SB306 by \*Rochelle, \*Williams)

On motion, House Bill No. 968 was made to conform with **Senate Bill No. 306**; the Senate Bill was substituted for the House Bill.

Rep. McDonald moved that **Senate Bill No. 306** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0
Present and not voting .....	4

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Goins, Jones U., Rhinehart, Towns -- 4.

A motion to reconsider was tabled.

**\*House Bill No. 706** -- Highway Signs - "Bill Leech Memorial Highway," S.R. 7 from Columbia city limits to Maury-Hickman County line; "Charlie Skillington Memorial Bridge," Snow Creek on S.R. 7, Maury County. by \*Sands, \*White. (SB1434 by \*Jordan, \*Crutchfield, \*Haynes, \*Henry, \*Springer, \*Wilder)

On motion, House Bill No. 706 was made to conform with **Senate Bill No. 1434**; the Senate Bill was substituted for the House Bill.

Rep. Sands moved that Senate Bill No. 1434, be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Robinson moved that all members voting aye on Senate Bill No. 1434, be added as prime sponsors, which motion prevailed.

**MONDAY, MARCH 31, 1997 -- TWENTY-THIRD LEGISLATIVE DAY**

Rep. Sands moved that **Senate Bill No. 1434** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....97  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Joint Resolution No. 142** -- Memorials, Professional Achievement - Jerry Thompson, "The Tennessean." by \*Jackson, \*Ridgeway, \*Jackson.

Further consideration of House Joint Resolution No. 142, previously considered on March 27, 1997, at which time it was objected to on the Consent Calendar and reset to today's Regular Calendar.

Without objection, Rep. Jackson moved that House Joint Resolution No. 142 be held on the desk.

**\*House Joint Resolution No. 22** -- Constitutional Amendments - Completes constitutional amendment process by proposing to 100th General Assembly same amendment to Article I, Section 32, requiring safe prisons rather than safe and comfortable prisons that was passed during 99th General Assembly. by \*Buck, \*McMillan, \*Goins, \*Pinion.

Further consideration of House Joint Resolution No. 22, previously considered on March 27, 1997, at which time it was read for the first constitutional reading, and reset to today's Regular Calendar.

Rep. Buck requested that the Clerk read House Joint Resolution No. 22 for the second constitutional reading.

The Clerk read the Resolution for the second constitutional reading.

Rep. Buck moved that House Joint Resolution No. 22 be reset to the Calendar for Wednesday, April 2, 1997, which motion prevailed.

**MONDAY, MARCH 31, 1997 -- TWENTY-THIRD LEGISLATIVE DAY**

**House Bill No. 1186** -- Highway Signs - Gives preference for placement on sign assembly to business with greatest eligibility distance when two or more valid competing applications for participation in TODS program. Amends TCA Title 54, Chapter 5, Part 13. by \*Kerr, \*Walker. (\*SB951 by \*Miller J, \*Koella)

Further consideration of House Bill No. 1186, previously considered on March 27, 1997, and reset to today's Calendar.

Rep. Kerr moved that House Bill No. 1186 be reset to the Regular Calendar on Monday, April 7, 1997, which motion prevailed.

**MESSAGE CALENDAR**

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 333** -- Municipal Government - Sets first election for city commissioners after adoption of initial charter; permits one time extension of terms. Amends TCA Title 6. by \*Kent. (SB937 by \*Miller J)

Without objection, the message on House Bill No. 333 was reset to the Message Calendar on Wednesday, April 2, 1997.

**UNFINISHED BUSINESS**

**RULES SUSPENDED**

Rep. Phillips moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 145 out of order, which motion prevailed.

**House Joint Resolution No. 145** -- Memorials, Public Service - Rotary Club of Shelbyville, 75th Anniversary. by \*Phillips.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Phillips, the resolution was adopted.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**

**March 31, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 151 and 152; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MONDAY, MARCH 31, 1997 -- TWENTY-THIRD LEGISLATIVE DAY**

**Senate Joint Resolution No. 151** -- Memorials, Public Service - Mayor Reba Akins, Citizen of the Year. by \*Graves.

**Senate Joint Resolution No. 152** -- Memorials, Public Service - Randy Cline, Citizen of the Year. by \*Graves.

**RULES SUSPENDED**

Rep. McDonald moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 151 out of order, which motion prevailed.

**Senate Joint Resolution No. 151** -- Memorials, Public Service - Mayor Reba Akins, Citizen of the Year. by \*Graves.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. McDonald, the resolution was concurred in.

A motion to reconsider was tabled.

**BILLS WITHDRAWN**

On motion of Rep. Patton, **House Bill No. 909** was recalled from the State & Local Government Committee and withdrawn from the House.

On motion of Rep. Patton, **House Bill No. 912** was recalled from the Commerce Committee and withdrawn from the House.

On motion of Rep. Patton, **House Bill No. 913** was recalled from the Health & Human Resources Committee and withdrawn from the House.

On motion of Rep. Chumney, **House Bill No. 604** was recalled from the Commerce Committee and withdrawn from the House.

**RULES SUSPENDED**

Rep. McDonald moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 152 out of order, which motion prevailed.

**Senate Joint Resolution No. 152** -- Memorials, Public Service - Randy Cline, Citizen of the Year. by \*Graves.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. McDonald, the resolution was concurred in.

A motion to reconsider was tabled.

**MONDAY, MARCH 31, 1997 -- TWENTY-THIRD LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

**March 31, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 826; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to Rule No. 59, notice was given that the following measure(s) from the Senate would be considered on April 2, 1997:

**House Bill No. 825:** by Rep. Rinks

**House Bill No. 826:** by Rep. Rinks

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 1635:** Rep(s). U. Jones as prime sponsor(s).

**ENROLLED BILLS**

**March 31, 1997**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 24, 316, 325, 1447, 1872, 1952 and 1953; House Joint Resolution(s) No(s). 122, 123, 124, 125, 127, 128 and 129.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**March 31, 1997**

The Speaker signed the following: House Bill(s) No(s). 24, 316, 325, 1447, 1872, 1952 and 1953; House Joint Resolution(s) No(s). 122, 123, 124, 125, 127, 128 and 129.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**March 31, 1997**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 137; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**March 31, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 406, 1372 and 1512; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**March 31, 1997**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 345, 555, 641, 849, 961, 996, 1437, 1615, 1620, 1848, 1926, 1951, 1954 and 1958, also, House Joint Resolution(s) No(s). 72 and 145.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ROLL CALL**

The roll call was taken with the following results:

Present.....98

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

**RECESS MOTION**

On motion of Rep. Hargrove, the House recessed until 2:00 p.m., Wednesday, April 2, 1997.